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January 14, 2011

VIA ELECTRONIC & US MAIL

Ms. Stephanie Vaughn ATTN: Lower Passaic River Remedial Project Manager Emergency and Remedial Response Division U.S. EPA, Region 2 290 Broadway, 19th Floor New York, New York 10007

Re: Monthly Progress Report No. 44 – December 2010
Lower Passaic River Study Area (LPRSA) Remedial Investigation/
Feasibility Study (RI/FS)
CERCLA Docket No. 02-2007-2009

Dear Ms. Vaughn:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.

Meetings/Conference Calls

- On December 7, CPG, EPA, and CPG and EPA contractors held a conference call to discuss the 2011 RI field work and deliverables schedule.
- On December 14, CPG, EPA, and CPG and EPA contractors held a meeting to discuss EPA comments in its November 5 directive letter on the draft Ecological Risk Assessment (ERA) risk assessment planning documents.
- On December 16, CPG, EPA, and CPG and EPA contractors held a meeting to discuss EPA comments in its November 5 directive letter on the Human Health Risk Assessment (HHRA) risk assessment planning documents



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 On December 21, CPG, Tierra, EPA, and CPG and EPA contractors held a conference call to discuss EPA comments on the Small Volume Chemical Water Column Monitoring (CWCM) QAPP.

Correspondence

- On December 9, CPG requested that EPA provide model calibration output and code updates to assist CPG's Modeling Team preparation for the planned February 2011 semi-annual modeling meeting.
- On December 10, EPA, in response to CPG's December 9 requests for modeling updates/information, indicated that it would provide updated RCATOX model code and respective input files before the end of 2010 and advise CPG of the availability of other requested modeling information at that time.
- On December 13, EPA provided to CPG additional information from its oversight laboratory conducting analysis of Low Resolution Coring program split samples.
- On December 15, CPG submitted the Monthly Progress Report to EPA.
- On December 15, CPG submitted to EPA details of the December 14 (Day 22) check of the Caged Bivalve Study pilot deployment.
- On December 21, CPG notified EPA that CH2M Hill (Hill) had been retained to conduct the Feasibility Study (FS) component of the LPRSA RI/FS and submitted resumes of Hill's FS Team.
- On December 22, CPG submitted photos to EPA from the 2010 Fish Community Surveys.
- On December 30, EPA notified CPG that the submission of justification for requested additional CWCM sampling locations in Newark Bay would delayed until the first week of January 2011.

Work

- CPG continued processing and chemical analysis of small foraging fish tissue samples (summer 2010 Tissue Collection Survey).
- CPG completed validation of 2009 Benthic Community Survey sediment data and 2009 Tissue Collection Survey sample data.
- CPG completed validation of summer 2010 Benthic Community Survey sediment data from samples co-located with collection of small foraging fish samples (summer 2010 Tissue Collection Survey).
- CPG continued to develop responses to EPA comments on the Small Volume CWCM QAPP.



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- CPG continued planning activities for the High Volume CWCM QAPP Addendum.
- CPG continued reviewing and responding to EPA's comments on the risk assessment planning documents.
- CPG continued to monitor the Caged Bivalve Study pilot deployment.
- CPG Modeling Team continued work on the HQI ECOM-SEDZLJS Sediment Transport Model code including calibration for high-flow conditions utilizing CPG input files.
- CPG continued reviewing the fall 2009 and spring 2010 Physical Water Column Monitoring (PCWM) survey data to develop correlations of acoustic backscatter and optical backscatter to SSC data.
- CPG continued drafting the winter/spring 2010 Fish Community Survey field report.
- CPG continued drafting the 2010 Habitat Survey field report.
- CPG continued drafting of the summer/fall 2010 Avian Survey field report.
- CPG continued drafting of the fall 2009 Benthic Survey toxicity data report.
- CPG continued drafting of the spring/summer 2010 Benthic Community Survey field report.
- CPG continued drafting of Benthic QAPP Addendum 4 Caged Bivalve Study.

(b) Results of Sampling and Tests

- On December 8, CPG submitted validated sediment data from the 2009 Benthic Community Survey to EPA.
- On December 16, CPG submitted validated tissue data from the 2009 Fish/Crab Tissue Collection Survey to EPA.

(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

- CPG will continue to monitor the Caged Bivalve Study pilot deployment.
- CPG will continue processing and chemical analyses of small foraging fish tissue samples (summer 2010 Tissue Collection Survey).
- CPG will continue reviewing the fall 2009 and spring 2010 PWCM data.
- CPG will continue drafting the winter/spring 2010 Fish Community Survey field report.
- CPG will continue drafting the 2010 Habitat Survey field report.
- CPG will continue drafting of the summer/fall 2010 Avian Survey field report.
- CPG will continue drafting of the fall 2009 Benthic Survey toxicity data report.



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- CPG will continue drafting of the spring/summer 2010 Benthic Community Survey field report.
- CPG will continue drafting of Benthic QAPP Addendum 4 Caged Bivalve Study.
- CPG will respond to EPA comments on the Small Volume CWCM QAPP.
- CPG will continue planning activities for the High Volume CWCM QAPP Addendum.
- CPG Modeling Team will continue work with the HQI ECOM-SEDZLJS code, inputs and calibration.
- CPG will participate in LPR/NB Modeling Program progress calls and a February 3, 2011 progress meeting with EPA and EPA contractors.
- CPG will continue reviewing and responding to EPA's comments on the risk assessment planning documents.

(d) <u>Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.</u>

- Based upon discussions with EPA, the CPG understands that the calibration of the HQl sediment transport model was completed by the EPA Modeling Team during the fourth quarter of CY 2010 and that changes were made to the HQI SEDZLJS code and inputs used by EPA in its calibration. It is also the CPG's understanding that EPA is continuing work to improve their calibration. The CPG Modeling Team has not been provided with the revised SEDZLJS code, revised input files or calibration model output as of the December 2010. As such it is continuing to work on its high flow calibration; however, a detailed update of EPA's current status with the previously mentioned documentation would greatly assist the CPG to continue its collaboration with the EPA Modeling Team as directed by EPA in its February 18, 2010 letter. CPG is awaiting receipt of the revised RCA-TOX code and other inputs that the EPA Modeling Team said would be provided to the CPG by the end of December 2010. EPA proposed, and CPG agreed, to postpone the December 1, 2010 EPA-CPG Semiannual Modeling Meeting until February 2011. Extension of the sediment transport modeling and chemical fate transport modeling schedules will extend the completion of the LPRSA RI/FS.
- The CPG is in the process of resolving EPA's November 4, 2010 comments on the draft Small Volume CWCM QAPP. Some EPA comments such as those related to the EPA's request for a 10-liter sample collection and analysis were not anticipated by the CPG and will require the CPG to identify laboratories capable



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of analyzing those samples. This process to address these EPA comments will likely include analytical method development, MDL studies, and laboratory audits. As a result of the additional requirements identified by EPA and the onset of winter, the implementation of the first sampling event will be delayed until the early spring of 2011. Furthermore, the EPA requests regarding additional sampling locations in Newark Bay will result in significant increase in logistical complexity to the project without a clear need explained in the comments. The delays associated with both the Small Volume CWCM and CSO (see below) Programs are likely to extend the completion of the RI/FS.

- The delay in EPA's approval of Tierra's CSO/SWO Workplan is anticipated to impact the completion of the LPRSA RI/FS. The extent of the schedule impact is dependant of resolution of EPA's comments on the draft CSO/SWO Workplan and when the Phase 1 work is implemented.
- In the CPG's November 19, 2010 response to EPA's November 5, 2010 risk assessment planning directive letter, the CPG agreed to revise the risk assessment planning documents consistent with EPA's September 10, 2010 comments. Resolution of responses to EPA's comments is required prior to the CPG's revision of the risk planning documents. The CPG anticipates that it will provide revised risk planning documents on or about February 8.
- Analysis and validation of biological samples collected in the 2010 field season should be completed by the end of the first quarter of CY 2011 in order to support the conduct of the Human Health Risk Assessment and Ecological Risk Assessment in CY 2011. The CPG has retained a second data validation firm to conduct the data validation to validate the fish and crab tissue data.

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

de maximis, inc.

Willard F. Potter 'Project Coordinator

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cc: Pat Hick, EPA Office of Regional Counsel Alice Yeh, EPA
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